



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

June 13, 2008

Board Members Present: Geri DeWaard, OTR Chair
Rebecca Grabski, OTA Vice-Chair
John Tutelman, Public Representative
Deborah Devine, Public Representative

Board Members Absent: Kathryn Babits, OTR, Member

Staff Present: Linda A. Wells, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Representative: Elizabeth Campbell, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:31 p.m., Chair Geri DeWaard, OTR presiding.

Approval of Minutes

Regular Session Minutes of May 16, 2008

Mr. Tutelman moved to approve the May 16, 2008 regular session meeting minutes. Ms. Devine seconded. The motion passed 4-0.

Open Complaints

08-003-B SHERRI L. SONES

At a previous meeting, the Board moved to open a complaint against Sherri L. Sones, OTR, and moved to hold an informal meeting with her based on a possible violation of A.R.S. §32-3401.

The Board alleges that Ms. Sones was practicing occupational therapy while her license expired.

Ms. Sones was present before the Board for the informal meeting to discuss the circumstances regarding the complaint.

Following discussion, Mr. Tutelman moved to hold a Formal Hearing pursuant to A.R.S. §32-3442(E) based on a possible violation of A.R.S. §32-3401. The motion included an offer to accept a Consent Agreement for a Decree of Censure and Order in lieu of a Formal Hearing. The offer will include an Order for one year probation, proof that Ms. Sones has written a letter to all clients she treated, as well as the insurance carriers involved. Ms. DeWaard seconded the motion. The motion passed 4-0.

I-07-128 PAMELA J. LIZOTTE, OTA – FORMAL HEARING

At a previous meeting, the Board tabled the complaint filed against Pamela J. Lizotte, OTA and moved to hold a Formal Hearing with her pursuant to A.R.S. §32-3442(E) based on a possible violation of A.R.S. §32-3401.9 (f),(h),(i),(l), and A.A.C. R4-43-101. (5)(i).

The complaint alleges that the dates on Ms. Lizotte's CPR card submitted to her employer, Aureus showed that it was valid from September 30, 2006 through September 30, 2008. After attempting to confirm the validity of the card, Aureus determined that the dates on the CPR card had been altered.

The Formal Hearing took place on Friday June 13, 2008. Ms. Lizotte was not present nor was an attorney present to represent her. The Board proceeded with the Formal Hearing.

Assistant Attorney General, Beth Campbell was present representing the State's case against Ms. Lizotte. Also present, was Assistant Attorney General, Tanja Shipman from the Solicitor General's Office, legal advisor for the Board.

The following witnesses were sworn in for their testimonies:

1. Anna Thibodeaux, Quality Assurance Division with Aureaus Medical in Omaha, Nebraska
2. Vicki Egurrola, Administrative Assistant with the Arizona Board of Occupational Therapy Examiners

Ms. Campbell presented the factual allegations, and provided the Board with exhibits.

Following presentation, Ms. Campbell gave her closing statement. She submitted that Ms. Lizotte provided an altered CPR card to her employer and lied to the Board that she did not alter the card.

Deliberations

Ms. Devine moved to adopt all of the factual allegations as stated in paragraphs 1 through 5 of the complaint. Ms. DeWaard seconded the motion. The motion passed 4-0.

Violations

Mr. Tutelman moved the following violations based on the evidence presented by the state: A.R.S. §13-3401(9)(f); A.R.S. §13-3401(9)(h); A.R.S. §36-3401(9)(i); A.R.S. §36-3401(9)(l); and R4-43-101(5)(i). Ms. Devine seconded the motion. The motion passed 4-0.

Roll Call Vote

Mr. Tutelman moved to revoke the license of Pamela J. Lizotte, OTA. Ms. DeWaard seconded the motion. Mr. Tutelman voted aye, Ms. DeWaard voted aye, Ms. Devine voted aye, and Ms. Grabski voted aye. The motion carried 4 ayes and 0 nays.

Probationary Status Reports

Shawn A. Keams, OTA

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of correspondence from Mr. Keams regarding his monthly attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of May, 2008.

Complaint No. I-05-105 Michelle Finet, OTR

Michelle Finet, OTR is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure.

It was reported that Ms. Finet has not completed the continuing education credits (CEU'S) to date in accordance with the Decree of Censure, and it was reported that her license has expired.

Following discussion, Ms. Devine moved to close the probationary matter, and to file the information of non-compliance. The motion also included a reconsideration of this matter by the Board in the event that Ms. Finet re-applies for an Arizona license in the future. Ms. DeWaard seconded the motion. The motion passed 4-0.

Complaint No. 07-135-B Cody DeGuzman, OTA

Cody DeGuzman, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a Consent Agreement.

It was reported that Mr. DeGuzman has not completed the continuing education credits (CEU's) to date, but has on or before September 14, 2008 to complete six (6) CEU's on the subject of moral ethics.

Correspondence

CONVICTION REPORT FROM MARICOPA COUNTY SUPERIOR COURT CONCERNING CLOVIS M. ATKINSON, OTR

The Board is in receipt of a conviction report from the Maricopa County Superior Court regarding Clovis M. Atkinson, OTR. The report indicates a class 6 designated felony theft conviction.

Ms. Atkinson was present at the meeting to hear the Board's discussion, and to answer any questions they may have regarding the report.

Following discussion, Ms. DeWaard moved to go into executive session at 3:08 p.m. for the purpose of receiving confidential legal advice from Assistant Attorney General, Beth Campbell. Ms. Devine seconded the motion. The motion passed 4-0.

The Board left executive session and entered regular session at 3:20 p.m.

Mr. Tutelman moved to open a complaint against Ms. Atkinson and to offer her a Consent Agreement and Order for the surrender of her license in lieu of holding a Formal Hearing. Ms. Atkinson declined the offer. Mr. Tutelman moved to hold a Formal Hearing pursuant to A.R.S. §32-3442(E) based on a possible violation of A.R.S. §3401. Ms. Devine seconded the motion. The motion passed 4-0.

Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:

a. Initial Applications

Ms. Devine moved to approve all of the initial applicants listed on the June, 2008 initial applications list. Ms. Grabski seconded the motion. The motion passed 4-0.

b. Renewal of Licenses

Ms. Grabski moved to approve all of the license renewal applicants listed on the June, 2008 renewal of licensees list. Ms. Devine seconded the motion. The motion passed 4-0.

c. Limited Permits

Ms. Devine moved to approve all of the applications listed on the June, 2008 limited permit list. Ms. DeWaard seconded the motion. The motion passed 4-0.

Executive Director's Report

a. Revenue and Expenditure Report

The Board reviewed the April, 2008 Revenue and Expenditure Report.

Discussion & Possible Action Regarding:

a. SEAN A. TILI, OTA

Ms. Egurrola reported an incident involving Sean A. Tili, OTA. Ms. Egurrola reported that Mr. Tili does not hold a current license in the state of Arizona, and that he has altered the licensure dates on a previous license certificate, and provided it to his current employer where he has been employed approximately one year.

Following discussion, Mr. Tutelman moved to have staff report the incident to all state licensing boards that Mr. Tili may hold a license, and to the National Practitioner's Data Bank. The motion also included that the incident be referred to the criminal division of the attorney general's office. Ms. DeWaard seconded the motion. The motion passed 4-0.

Review, Discussion & Possible Action Regarding Possible Salary Increases for Exec. Director & Admin. Assistant Pursuant to A.R.S. §38-431.03(A)(1)

Ms. Grabski moved to go into executive session at 3:50 p.m. to discuss the possible salary increase for the executive director position. Ms. Devine seconded the motion. The motion passed 4-0.

The Board left executive session and entered regular session at 4:12 p.m.

Ms. Devine moved to approve the salary increase as discussed in executive session for the executive director position. Ms. Grabski seconded the motion. The motion passed 4-0.

Ms. DeWaard moved to go into executive session at 4:15 p.m. to discuss the possible salary increase for the administrative assistant position. Mr. Tutelman seconded the motion. The motion passed 4-0.

The Board left executive session and entered regular session at 4:24 p.m.

The Board tabled discussion until the next Board meeting pending receipt of information on various job position descriptions.

Other Board Business and Reports

a. SB1128

Ms. DeWaard reported that SB1128 passed the house and senate caucuses, and will move to the senate floor for a final vote before being sent to the governor's office for signature.

b. Proposed Rule Making

The Board reviewed and made changes to the draft proposed rules regarding R4-43-101; R4-43-102, and R4-43-103.

Review Meeting Schedule

No changes were made to the meeting schedule for July and August.

Call to the Public

No public comment was received.

Adjournment

There being no further business before the Board, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Linda A. Wells
Executive Director

